

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

COURTNEY DOVER,)	CASE NO. 5: 08 CV 2130
)	
Petitioner,)	JUDGE DONALD C. NUGENT
v.)	
)	
WARDEN, BELMONT CORRECTIONAL INSTITUTION,)	MEMORANDUM OPINION AND ORDER
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge David S. Perelman. The Report and Recommendation (ECF # 12) is ADOPTED by this Court, and Petitioner's motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2254 (ECF # 1) is DENIED.

In April 2007, a jury found Petitioner guilty of one count of felonious assault with a firearm specification, one count of improperly handling a firearm while in a motor vehicle, and once count of child endangerment. Petitioner was sentenced to seven years incarceration for felonious assault and three years on the firearm specification, to be served consecutively. He was likewise sentenced to seventeen months incarceration for improperly handling the firearm while in a motor vehicle, to be served concurrently to his sentence for felonious assault. Petitioner was sentenced to 180 days of incarceration for child endangerment, again to be served concurrently to his sentence for felonious assault. Hence, Petitioner was sentenced to an aggregate term of incarceration for ten years.

Petitioner filed this motion to vacate, set aside, or correct the sentence pursuant to 28

U.S.C. § 2254 on September 4, 2008, raising six grounds for relief.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge Perelman for the preparation of a report and recommendation. On March 16, 2009, Magistrate Judge Perelman recommended that this Court deny the Petition. Petitioner has not filed any objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge Perelman's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the Report and Recommendation (ECF # 12) is ADOPTED in its entirety. Petitioner's motion to vacate, set aside, or correct the sentence is DENIED.

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED:

July 2, 2009